

15578. Misbranding of Double O medicine. U. S. v. 2 Dozen Two-Dollar Size and One Dozen Three-Dollar Size Packages of Double O. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22164. I. S. No. 17634-x. S. No. 204.)

On November 14, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen two-dollar size and 1 dozen three-dollar size packages of Double O medicine, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Red Star Laboratories Co., from Chicago, Ill., October 4, 1927, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resins (such as those from buchu and copaiba), extracts of vegetable drugs, volatile oils, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, borne on the carton label and in the accompanying circulars, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Circular in shipping package) "Your most wonderful medicine 'Double O,' of which I have taken for gonorrhea is certain a marvel * * * Our preparation is to-day recognized as the most dependable product in this line. * * * until we entered the field nothing had been offered which invariably would bring the desired relief to those who need it in new as well as in chronic cases * * * Parties buying Double O get results * * * Good for the poor devil;" (carton) "Absolutely safe internal medicine;" (circular headed "Don't Let Them Fool You" enclosed in retail package) "the medicine which is now known and acknowledged the best, the safest, and the most satisfactory in every respect. * * * Our duty to You—To supply you with the best which experience and scientific knowledge can produce. Your duty to Yourself—To regain your former status of health;" (directions circular) "To secure satisfactory results it is absolutely necessary to continue the treatment without interruption. Stopping for a day or two may set the patient back to a former condition. It is advisable even after it appears that everything is in order, to continue taking the medicine for a week or 10 days longer * * * Chronic Cases: The 'Double O' medicine contains particularly effective ingredients for old neglected cases * * * it may take 3 or 4 bottles before satisfactory results are apparent. Safety: * * * The medicine may be used with perfect confidence."

On January 16, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15579. Misbranding of W H Y. U. S. v. 15 Cases and 4 Cases of W H Y. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21952. I. S. Nos. 12841-x, 12842-x. S. No. E-3286.)

On June 9, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 15 cases of the 1-pound size, and 4 cases of the 4-ounce size, of W H Y, labeled as prepared by the Bartlett Nu Products Corp., Pasadena, Calif., at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia, by the Health Food Center, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of water-soluble constituents of caramelized cereals (50 per cent) and water (50 per cent).

It was alleged in the libel that the article was misbranded, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton labels) "Aids digestion assimilation and elimination * * * health sustaining food * * * keeps old age away * * * recommended by physicians and dietitians everywhere * * * The cup of life * * * feeds your Nerves * * * feeds your Glands * * * gives you Strength * * * for your Health's Sake

* * * Clears the skin and gives that coveted healthy complexion;" (bottle labels) "The cup of life * * * infants * * * A natural laxative * * * Easily assimilated by sensitive stomachs;" (small white circular accompanying 1-pound size) "Drink Health * * * is very quieting to the nerves;" (white folder accompanying 4-ounce size) "brings them health and strength. Babies reared from birth on W. H. Y. are strong and healthy far above the average. W. H. Y. not only maintains health, but it * * * gives strength, energy and endurance. Secret of Health * * * sickness, weakness, sallow cheeks, wretched nerves, aches and pains and premature old age! This was the thought that came to the noted scientist, George Maurice Bartlett, fifteen years ago while he was slowly recovering from almost fatal breakdown. The thought persisted. He began an analysis of every known food grown upon the globe, and every possible combination of foods. And at last, after spending a private fortune of \$500,000 in research work, he found and perfected what he was looking for—the formula for W. H. Y. * * * In a form every stomach can easily digest. * * * life-giving elements * * * W. H. Y. tones up the whole system, enabling it to function as it should—maintaining health and energy * * * increased vitality and endurance. * * * recommended by Physicians and Dietitians everywhere. * * * prescribed by hundreds of Physicians. * * * wonderfully healing and restorative value and thereby assists Nature in a natural way in toning up the bowels, liver, kidneys, stomach and digestive organs. One of the greatest difficulties to be met in the treatment of disease is the question of nutrition,—finding something the patient can eat and retain while recovery is taking place. W. H. Y. has proven to be a boon to many sufferers from nervousness, sleeplessness, hardening of the arteries, rheumatism, Bright's disease, apoplexy, premature old age, indigestion, constipation, sick headaches, biliousness and many other ailments. * * * Babies thrive on it, and it is essential to the best growth of children. W. H. Y. restores vigor and youth to old age. * * * gives strength and endurance. * * * lived from ten days to six months * * * lived six months * * * was restored to perfect health by its use. * * * A Boon to Every Woman * * * medicinal values. * * * wonderful medicinal values. Every woman should know how to live without pain, how to keep * * * youthful vigor * * * Do you suffer pains, cramps, headache, and other complaints peculiar to women? W. H. Y. removes all such suffering. There is a merit in W. H. Y. that all mothers with daughters growing into womanhood should know about. * * * For your Health's Sake Drink W. H. Y."

Misbranding was alleged for the further reason that the following statements regarding the said article were false and misleading and deceived and misled the purchaser: (1-pound size, case) "Balanced * * * 'Rich in vitamins;'" (carton) "Super-food * * * vital essence * * * wonderfully balanced * * * supplies nature's essential requirements enabling the body to take care of itself * * * Rich in vitamins * * * Approved by the U. S. Pure Food Commission;" (bottle label) "Complies with pure food laws * * * super-food * * * balanced * * * vital elements * * * Rich in vitamins;" (small white circular) "Balanced * * * to a wonderful degree * * * complete diet * * * fully balanced meal;" (4-ounce size, carton) "Super-food * * * vital essence * * * wonderfully balanced * * * supplies nature's essential requirements enabling the body to take care of itself * * * Rich in vitamins * * * Approved and used by Uncle Sam;" (bottle label) "Complies with pure food laws * * * super food * * * balanced * * * vital elements * * * rich in vitamins;" (white folder) "balanced, life-sustaining * * * Perfectly Balanced * * * vital elements necessary to sustain life and maintain health! * * * potent good * * * a satisfying food * * * balanced * * * United States Authorized Chemists * * * After months of exhaustive tests the U. S. Government allows for W. H. Y. the use in U. S. Mail labels and circulars bearing such claims as * * * 'Rich in Vitamines.' * * * No other product on the market is entitled to all these claims. W. H. Y. contains every essential element needed in the human body. * * * rich in vitamins * * * most satisfying * * * balanced * * * in place of coffee * * * A perfect food * * * We guarantee W. H. Y. to make good every claim or we stand ready to refund your money."

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the product was a liquid and the quantity of contents was marked in terms of weight.

On January 3, 1928, Albert H. Beachley, Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15580. Adulteration and misbranding of Ra'-Balm and Ra'-Aid. U. S. v. 4 Dozen Packages of Ra'-Balm, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22151, 22152, 22153. I. S. Nos. 17626-x, 17627-x. S. No. 202.)

On November 15, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 dozen packages of Ra'-Balm and 35% dozen packages of Ra'-Aid, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by the National Radium Laboratories, Inc., from Minneapolis, Minn., on or about June 28, 1927, and transported from the State of Minnesota into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Ra'-Balm was an ointment containing soap, salicylates including methyl salicylate, and a small amount of mineral material, and that it did not contain radium; and that the Ra'-Aid consisted essentially of an aqueous solution of boric acid, zinc and sodium sulphates and chlorides, colored green with a coal-tar dye and flavored with peppermint oil; and that it did not contain radium.

Adulteration was alleged in the libel with respect to the Ra'-Balm for the reason that its strength fell below the professed standard or quality under which it was sold, namely: (Carton and bottle label) "Genuine Radium Salve * * * Ra'-Balm * * * Guaranteed to Contain Actual Radium of High Purity * * * National Radium Laboratories;" (white circular) "Ra'-Balm, which is a strongly charged Radium salve * * * Ra'-Balm means Radium-Balm, and contains genuine Radium * * * National Radium Laboratories."

Misbranding was alleged with respect to the said Ra'-Balm for the reason that the above-quoted statements borne on the labeling were false.

Adulteration of the Ra'-Aid was alleged for the reason that its strength fell below the professed standard or quality under which it was sold, namely, "Genuine Radium Solution * * * National Radium Laboratories."

Misbranding was alleged with respect to the said Ra'-Aid for the reason that the above quoted statements borne on the labeling thereof were false.

Misbranding was alleged with respect to both products for the further reason that the following statements regarding the curative or therapeutic effect of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Ra'-Balm, carton) "Rheumatism and all Inflammatory Conditions;" (Ra'-Balm, bottle label) "For all Inflammatory Conditions, * * * For Rheumatism and inflammatory conditions take hot bath from 30 to 45 minutes. Rub Ra'-Balm in thoroughly until it penetrates, 2 or 3 times a day. For other ailments such as sprains, swellings, colds, aches, stiff joints, apply hot towels to sore part, and rub in Ra'-Balm as directed above, 2 or 3 times a day until all pain disappears, * * * Ra'-Balm is unequalled in eliminating aches, pain and inflammatory conditions * * * There is nothing which equals Ra'-Balm when used as a shampoo, as it eliminates scalp disease, stimulates the Hair Cells and increases the activity of the same. In many cases Ra'-Balm will eliminate baldness;" (Ra'-Balm, white circular) "The use of Radium is indicated in chronic women's diseases, Neuralgia, Neuritis, Lumbago, Goitre, nervous diseases, or any inflammatory condition, by using Ra'-Balm, which is a strongly charged Radium salve that penetrates through the entire body. * * * It took many years to perfect this wonderful salve, which penetrates, reduces and eliminates pain from any part of the body. It has been acknowledged by leading doctors and scientists to be the most efficient easer of pain known and an effective destroyer of the disease itself in its finality. The penetrating action of Ra'-Balm is due to the Radium Content. Ra'-Balm, when used according to directions, will simplify and ease pain whether the inflamma-